

Building Services

W240N3065 Pewaukee Road
Pewaukee, WI 53072
(262) 691-9107 Fax (262) 691-6039

ZONING BOARD OF APPEALS MEETING NOTICE AND AGENDA

Tuesday, July 23, 2019

6:00 PM

Common Council Chambers ~ Pewaukee City Hall
W240 N3065 Pewaukee Road ~ Pewaukee, Wisconsin

-
1. Call to Order and Pledge of Allegiance
 2. Discussion and Possible Action to Approve the Zoning Board of Appeals Meeting Minutes Dated May 1, 2019
 3. **PUBLIC HEARING** and Possible Action Regarding the Petition of Nicolas and Emily Romeo for the Property Located at W273 N2573 Prospect Avenue,(PWC 0936-991-002) for the following:
 - 3.1 **Section 17.0411a and Section 17.0432f** to allow for a rear yard setback of 14.64 feet from the west property line, opposed to the Rs-7 District minimum rear yard setback of 20-feet (with allowed setback averaging) and the P-1 Park District minimum setback of 40-feet
 4. **PUBLIC HEARING** and possible Action Regarding the Petition of RFR Milwaukee, LLC for the Property Located at N16 W23120 Stone Ridge Drive (PWC 0956-999-015) for the following:
 - 4.1 **Section 17.0426f** related to the current side yard setback of the existing building. The building located on the subject parcel is setback approximately 25-feet from the north property line, opposed to the required 45-foot side yard setback of the M-4 District
 5. Adjournment

Kelly Tarczewski
Clerk/Treasurer

July 5, 2019

NOTICE

It is possible that members of other governmental bodies of the municipality may be in attendance to gather information that may form a quorum. At the above stated meeting, no action will be taken by any governmental body other than the governmental body specifically referred to above in this notice.

Any person who has a qualifying disability under the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible format must contact the Building Services office, at (262) 691-9107 by 11:00 a.m. the Monday prior to the meeting so that arrangements may be made to accommodate your request.

**CITY OF PEWAUKEE
ZONING BOARD OF APPEALS AGENDA ITEM 2.**

DATE: July 23, 2019

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Discussion and Possible Action to Approve the Zoning Board of Appeals Meeting Minutes Dated May 1, 2019

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

**CITY OF PEWAUKEE
ZONING BOARD OF APPEALS AGENDA ITEM 3.**

DATE: July 23, 2019

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

PUBLIC HEARING and Possible Action Regarding the Petition of Nicolas and Emily Romeo for the Property Located at W273 N2573 Prospect Avenue,(PWC 0936-991-002) for the following:

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Romeo Attachment

Application Deadline: _____

Meeting Date: _____

**Zoning Board of Appeals
Appeal and Application for Variance**

Pewaukee City Hall
W240N3065 Pewaukee Rd.
Pewaukee, WI 53072

RECEIVED
MAY 30 2019
CITY OF PEWAUKEE
CLERK'S OFFICE

NOTICE: The board meets on the first Wednesday of each month at 6:30pm in the City Hall Conference Room unless otherwise noted. **ATTENDANCE OF THE APPLICANT OR REPRESENTATIVE IS REQUIRED.** Failure to appear could result in the application being acted upon without the applicant's input, or it could result in the item being removed from the agenda, requiring the applicant to reapply and pay another filing fee.

The appeal or application must be filed with the Building Services Department **30 days prior to the next Zoning Board of Appeals meeting and within 20 days of the Building Inspector's denial of permit**, accompanied by the filing fee of \$400.00 and a list of names of all owners of property within 600 feet from the exterior boundaries of the properties requesting the variance. ** Note: Applicant/Owner is also responsible for reimbursing the City for cost of publishing legal notices and other fees, including, but not limited to, attorney fees for reviewing the petition.

ALL APPEALS FOR VARIANCES MUST INCLUDE PLANS SHOWING THE VARIANCES BEING REQUESTED.

Site Address W273N2573 Prospect Avenue
Pewaukee WI 53072

Parcel Tax Key No. 0936 991 002

Applicant
(person to receive notices)

Property Owner

Name Nicolas + Emily Romeo

Donald Romeo

Address W273N2545 Prospect Ave

W317S7535 Thorncrest Ct

City, Zip Pewaukee, WI 53072

Mukwonago, WI 53149

Phone (414) 467-7243

(262) 370-0971

TO THE ZONING BOARD OF APPEALS: Romeo NJ 03@gmail.com

I hereby make an application for a _____
(appeal from the decision of the Zoning Inspector)

For the property located at the following address: W273N2573 Prospect Avenue Pewaukee WI
53072

Present use of premises pre-construction for residential build

Briefly describe proposal rear yard set back of 14.64' vs. Rs-7 District allowance of 20 feet.

If this is an appeal, attach the following:

- (1) Statement of principal points on which appeal is based
- (2) Plans showing the variances requested.
- (3) Plat of Survey, which shows where the building for the variance request would be built.

I hereby depose that the above statements contained in the papers submitted here with are true and correct.

Date: 5/30/2019

Applicant Signature: [Signature]

< By signing this document you are giving the Zoning Board of Appeals members permission to view your property.>

To the Attention of:
The Zoning Board of Appeals

May 30th, 2019

Re: Appeal & Application for Variance

Pewaukee City Hall
W240N3065 Pewaukee Road
Pewaukee, WI 53072

To Whom It May Concern,

This letter is an attachment to the Romeo variance appeal application submitted on Thursday May 30th, 2019.

Narrative:

In 2018, our property was divided by the City into two lots and now fall under two separate tax keys of 0936 991 01 and 0936 991 02. The original tax key of 0936 991 was retired.

W273N2545 Prospect Avenue and the newly assigned residential address of W273N2573 Prospect Avenue in Pewaukee are located on a private drive road in Pewaukee. The private drive road runs North to South off of Hwy SS, directly in between Nettesheim Park (to the rear of our property) and Bileinski Homes Edgewood Farms subdivision. The road was paved by Poblocki Paving Corp at the expense of the 7 property owners that reside on this private drive road. All private drive road expenses for maintenance such as repairs, street signage, snow plowing are also split for and paid for by the 7 property owners.

Of the 8 lots on the private drive road, 7 are occupied with residential homes. One lot, our lot (W273N2573) for which this variance appeal application is for – is an open lot, and where we, (Nicolas & Emily Romeo) would like to build our future house. We are contracted with Bielinski Homes.

We are requesting a variance change for the required set back of our back yard (from 20ft to 14.64') The back yard butts up to Nettesheim Park.

Principal points on which this appeal is based:

17.1007 FINDINGS (Rep. & Rec. 14-14)

No variance to the provisions of this Ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates such in the minutes of its proceedings:

a. Preservation of Intent: No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted principle use, permitted accessory use, or permitted conditional use in that particular district.

Response: *Single-family use proposed. The home is reasonably sized (at 2079 sq feet) and the setback reduction to the rear/park side of the property is needed to provide an adequate and safe distance from the existing private drive.*

b. Exceptional Circumstances: There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, and the granting of the variance should not be of so general or recurrent nature as to suggest that the Ordinance should be changed.

Response:

- Private drive road not owned or maintained by the City of Pewaukee.
- Dead end road with no through traffic.
- Total of 7 long term established home owners on the private drive road, all of which are in favor of the 14.64' backyard set back. Homeowner signatures are on file documenting this favor.
- Most of the existing homes are setback similarly to the proposed rear yard setback. Proposed setbacks are more in-line with the existing and adjacent homes.
- The private drive road angles and encroaches more onto our property than others on the road.

c. Economic or Financial Hardship and Self-Imposed Hardship Not Grounds for Variance: No variance shall be granted on the basis of economic/ financial gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

Response: No economic or financial hardship. Not self-imposed as the private drive and utilities are existing.

d. Preservation of Property Rights: The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

Response: -Total of 7 long term established home owners on the private drive road, all of which are in favor of the 14.64' backyard set back. Homeowner signatures are on file documenting this favor.
-Most of the existing homes are setback similarly to the proposed rear yard setback. Proposed setbacks are more in-line with the existing and adjacent homes.
-If the setback isn't altered, the driveway will be extremely short to fit the house to be built onto this lot which is not safe for neighbors, children and pets.

e. Absence of Detriment: No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

Response: All property lots are occupied and there is no room for future homes to be built with the exception of ours on the 1 open lot. In addition, the backyard of property abuts Nettesheim Park and no future construction will take place anywhere near this property variance.

f. Additional Requirements in Floodplain District: No variance in or related to a floodplain* shall be granted where:

- (1) A change in the boundaries or elevation of the base flood floodplain (F-1 District) would result.
- (2) A lower degree of flood protection than a point two (2) feet above the 100-year recurrence interval base flood for the particular area would result.
- (3) Any action contrary to the provisions of Chapter NR-116 of the Wisconsin Administrative Code would result. (See sub-section 17.0435 and WisDNR requirements)
- (4) The lot or parcel is larger than one-half acre and is not contiguous to existing structures constructed below the regional (base) flood elevation.
- (5) No good or sufficient cause can be shown; greater than a minimum relief is necessary; there is increased risk to public safety or nuisances; rescue and relief costs would be increased; and, it is contrary to the purposes of this ordinance.
- (6) Such variance would allow alteration of an historical structure and/or use.

Response: The property is not located in the floodplain.

We thank you greatly for your time and consideration in this variance alteration request.

Sincerely



Emily M Romeo
414.467.7243

Variance Application

Fuchs, Nick <fuchs@pewaukee.wi.us>
To: Emily Romeo <emilymromeo@gmail.com>
Cc: Nic Romeo <romeonj03@gmail.com>

Thu, May 30, 2019 at 9:58 AM

Emily,

The Rs-7 District allows for the rear yard setback to be reduced to 20-feet. A Building Permit cannot be issued for the attached proposed home with a 14.64' setback. **Please consider this as the denial of your proposed home location.**

You requested a variance application on Friday, April 12th at 10:51 a.m. I sent the application at 11:09 a.m. that same day. If time is an issue, I recommend completing the form and submitting it with the application fee and submittal materials as soon as possible. If you have a specific question, let me know.

The process will begin once you submit the application. Staff will then review the submittal, prepare the public hearing notice and contact Board members to find a date that there will be a quorum. I would not expect to get a quorum for July 3rd.

Thanks.

Nick Fuchs

Planner & Community Development Director

City of Pewaukee

W240N3065 Pewaukee Road

Pewaukee, WI 53072

262-691-6007

fuchs@pewaukee.wi.us

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PLAT OF SURVEY

BEING PART OF THE NW. 1/4 OF THE SE. 1/4 OF SECTION 18, T.7N., R.19E.,
CITY OF PEWAUKEE, WAUKESHA COUNTY, WISCONSIN.

LEGEND

- - 1" IRON PIPE FOUND (UNLESS OTHERWISE STATED)
- - 1" DIA. IRON PIPE SET, 18" LONG
- OHU — OVERHEAD UTILITY WIRE
- UTILITY POLE W/ GUY WIRE
- - ASPHALT

SCALE: 1" = 20'



BEARINGS ARE REFERENCED TO NAD27,
WISCONSIN STATE PLANE, SOUTH ZONE, GRID
NORTH ON THE SOUTH LINE OF THE SE 1/4 OF
SECTION 18-7-19 AS S86°45'50"W.

LAND MARK

ENGINEERING SCIENCES, INC.

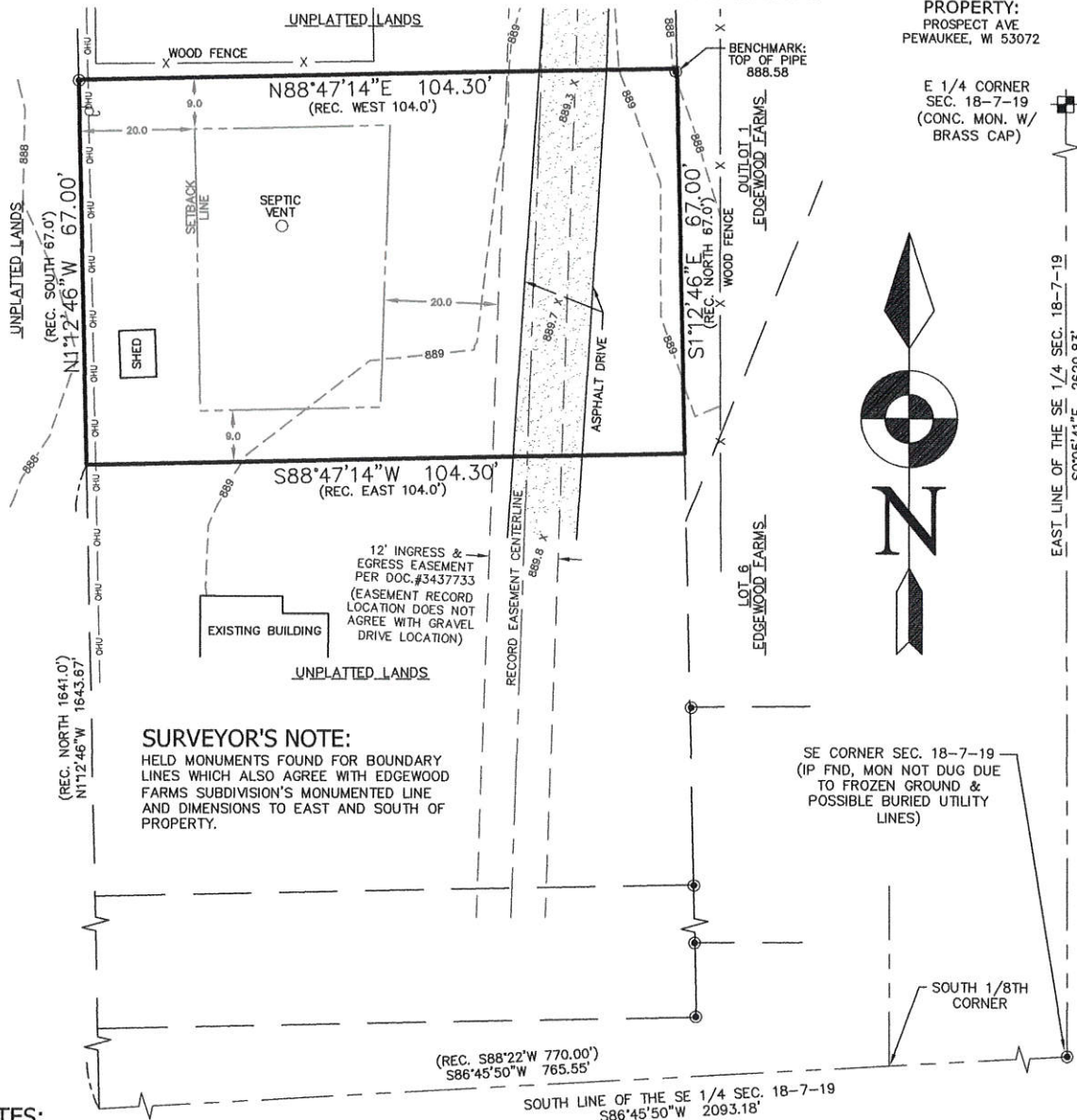
119 COOLIDGE AVE., SUITE 100
WAUKESHA, WI 53186
(414) 719-2769

SURVEYOR:
MARK AUGUSTINE, PLS

SURVEY FOR:
NICOLAS & EMILY ROMEO

PROPERTY:
PROSPECT AVE
PEWAUKEE, WI 53072

E 1/4 CORNER
SEC. 18-7-19
(CONC. MON. W/
BRASS CAP)



SURVEYOR'S NOTE:

HELD MONUMENTS FOUND FOR BOUNDARY
LINES WHICH ALSO AGREE WITH EDGEWOOD
FARMS SUBDIVISION'S MONUMENTED LINE
AND DIMENSIONS TO EAST AND SOUTH OF
PROPERTY.

SE CORNER SEC. 18-7-19
(IP FND, MON NOT DUG DUE
TO FROZEN GROUND &
POSSIBLE BURIED UTILITY
LINES)

NOTES:

1. ADDITIONAL EASEMENTS, IF ANY, ARE NOT SHOWN.
2. THE SURVEYOR TAKES NO RESPONSIBILITY FOR ANY UNDERGROUND STRUCTURES OR BURIED MATERIALS SUCH AS FOUNDATIONS, WELLS, SEPTIC, HOLDING TANKS, UTILITIES, HAZARDOUS MATERIALS, OR ANY OTHER ITEMS OF WHICH NO EVIDENCE CAN BE FOUND ON THE SURFACE BY A VISUAL INSPECTION.
3. THE PURPOSE OF THE SURVEY IS NEW CONSTRUCTION.
4. THE FIELD WORK WAS COMPLETED ON MARCH 6, 2019.
5. DUE TO SNOW COVER THE ACCURACY OF DRIVEWAYS, WALKS AND POTENTIAL STRUCTURES BURIED BY SNOW CAN NOT BE RELIED UPON.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND, IN MY PROFESSIONAL OPINION, THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

THIS SURVEY IS MADE FOR THE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THERETO WITHIN ONE (1) YEAR FROM DATE HEREOF.

LEGAL DESCRIPTION (PER DOC. #3437733)

Parcel C: All that part of the South East One Quarter (SE 1/4) of Section No. Eighteen (18), Township No. Seven (7) North, Range No. Nineteen (19) East, in the Town of Pewaukee, Waukesha County, Wisconsin, described as follows, to wit: Commencing at a point on the South line of the said quarter section distant South 88 degree 22' West 770.0 feet from the South 1/8th corner, and running thence North 1641.0 feet to the point of commencement of the lands to be described; thence East at Right angles 104.0 feet; thence North 67.0 feet; thence West 104.0 feet; thence South 67.0 feet to the point of commencement.

PROJECT #2792.00





LAND INFORMATION SYSTEMS DIVISION

Waukesha County GIS Map



Legend

- ☒ Civil Division Boundary
- ☒ Parks
- ☒ Assessment Data
- ☒ Parcels
- ☒ Plats
- ☒ Retired Parcels
- ☒ Retired Plats
- ☒ Municipal Boundary_2K
- ☒ Facility/Sites_2K_Labels
- ☒ Lots_2K
- ☒ Lot
- ☒ Outlet
- ☒ SimultaneousConveyance
- ☒ Assessor Plat
- ☒ CSM
- ☒ Condominium
- ☒ Subdivision
- ☒ Cartoline_2K
- ☒ EA-Easement_Line
- ☒ PL-DA
- ☒ PL-Extended_Line
- ☒ PL-Meander_Line
- ☒ PL-Note
- ☒ PL-Tie
- ☒ PL-Tie_Line
- ☒ Road Centerlines_2K
- ☒ Railroad_2K
- ☒ TaxParcel_2K
- ☒ Waterbodies_2K_Labels
- ☒ Waterlines_2K_Labels
- ☒ Municipal Boundary_5K
- ☒ Facility/Sites_5K_Labels
- ☒ Waterbodies_5K_Labels
- ☒ Waterlines_5K_Labels
- ☒ Railroad_5K

Notes:

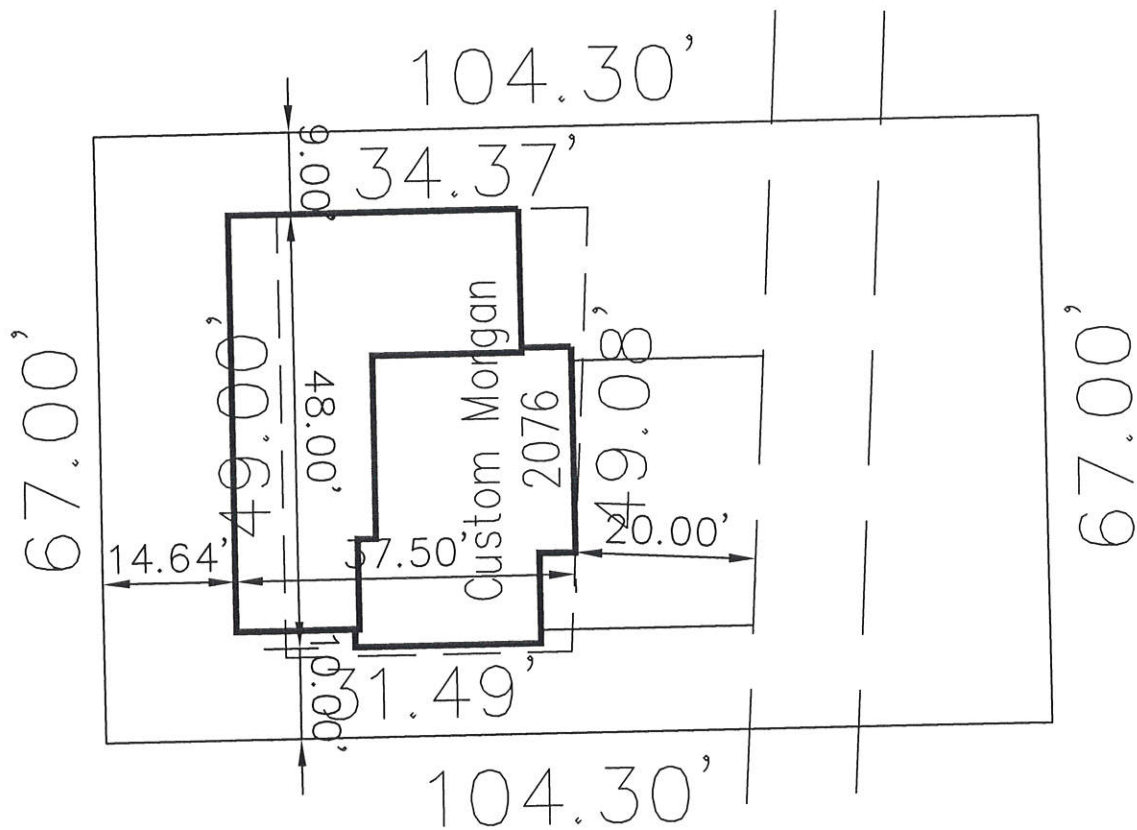
The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

Printed: 5/30/2019

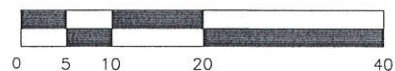




Romeo Lot in Pewaukee, WI



SCALE: 1" = 20'

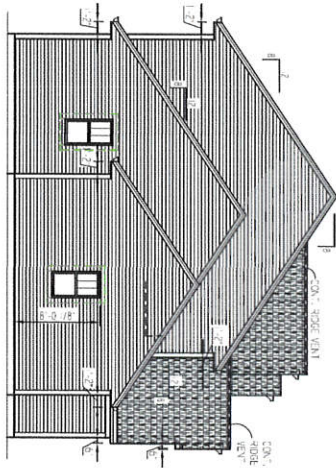


Landmark

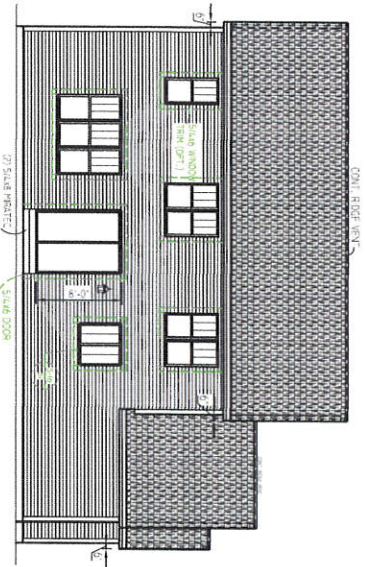
THIS IS NOT A SURVEY

BIELINSKI
— HOMES —

1830 Meadow Lane, Suite A • Pewaukee, WI 53072 • (262) 542-9494

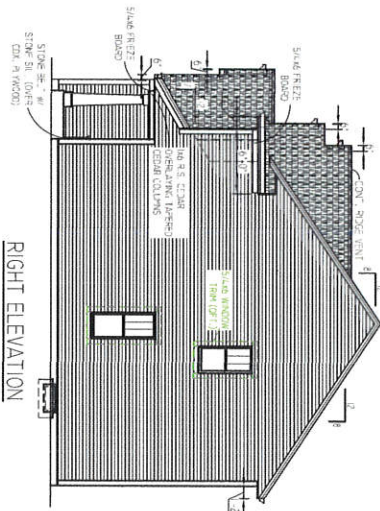


LEFT ELEVATION



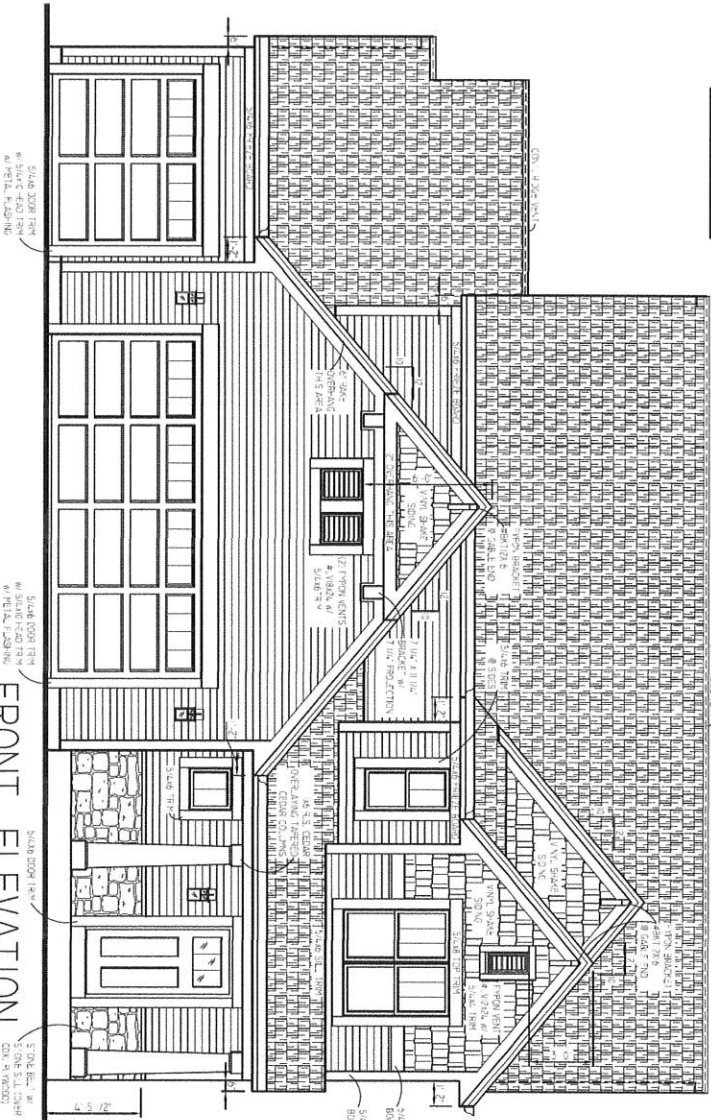
REAR ELEVATION

NOTE: HEAD HEIGHTS ARE AS FOLLOWS:
 7'-0" ROOF PITCH @ PORCH (1'-0" HEAD) W/ 1'-2" OVERHANG
 4'-0" ROOF PITCH (7'-0" HEAD) W/ 1'-2" OVERHANG
 10'-0" ROOF PITCH (10'-0" HEAD) W/ 1'-2" OVERHANG



RIGHT ELEVATION

- EXTERIOR MATERIALS**
- ROOFING: PRO 30 DIMENSIONAL SHINGLES.
 - SIDING: DOUBLE 4" EXP. LOW MAINTENANCE VINYL LAP SIDING
 - 5/1x6 & 5/1x4 MIRATEC CORNERS BOARDS.
 - VINYL CORNER ON INSIDE CORNERS.
 - FASCIA: 8" ALUMINUM CLAD.
 - SCOTCH: VENTED ALUMINUM.
 - RAKE FASCIA: 6" ALUMINUM CLAD.
 - RAKE TRIM: 3" ALUMINUM CLAD.
 - RAKE FRIEZE: 5/1x6 MIRATEC.
 - FIXTURE BLOCKS: VINYL J-BLOCK; PAINTED MIRATEC @ STONE AREAS.
 - GARAGE JAMB: 5/1x6 PAINTED MIRATEC.
 - (1) ROOF (3'-0" WIDE) ICE & WATER SHIELD
 - ENTIRE LENGTH ALL VALLEYS
 - ICE & WATER SHIELD AS REQUIRED @ SADDLES.



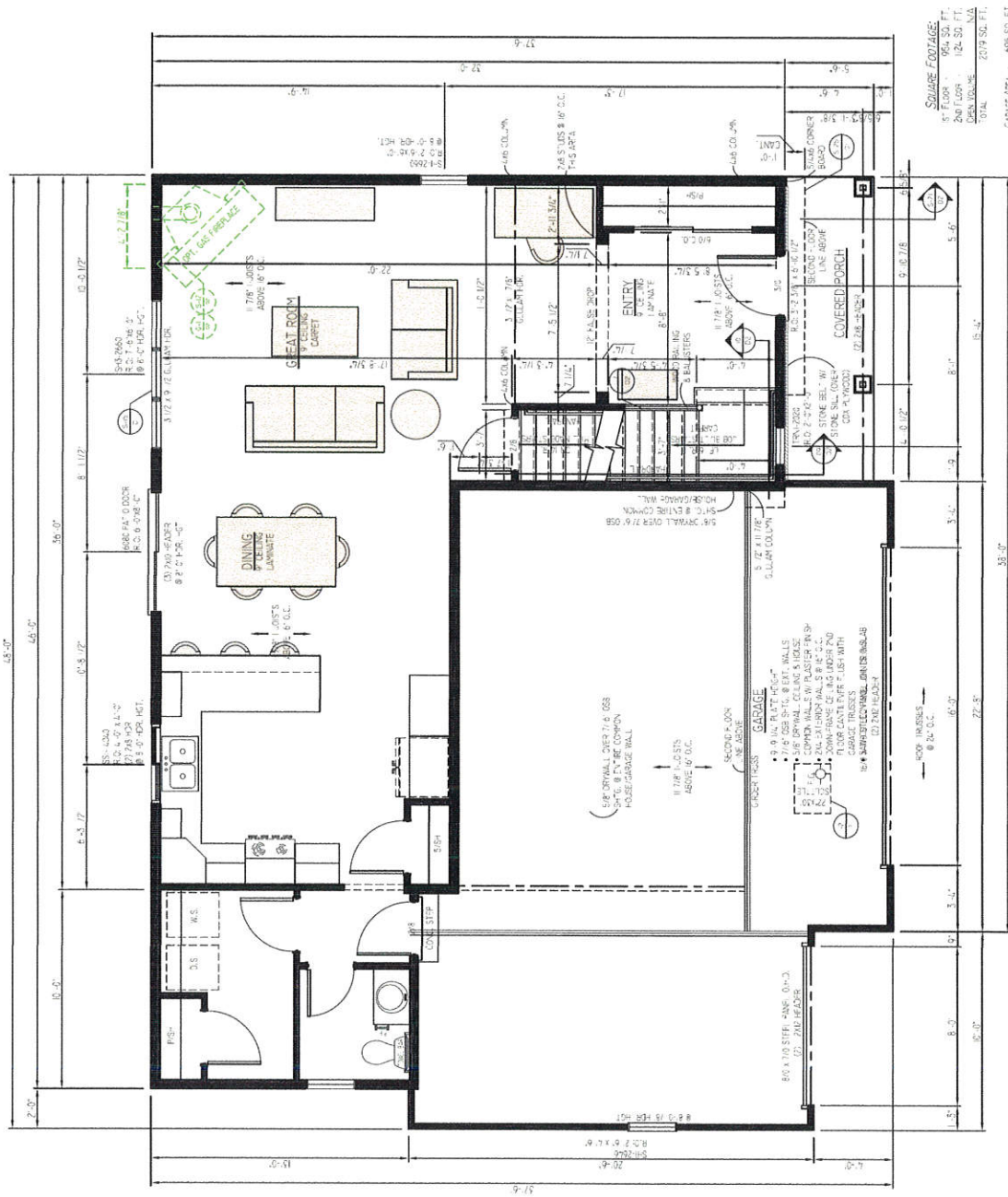
FRONT ELEVATION

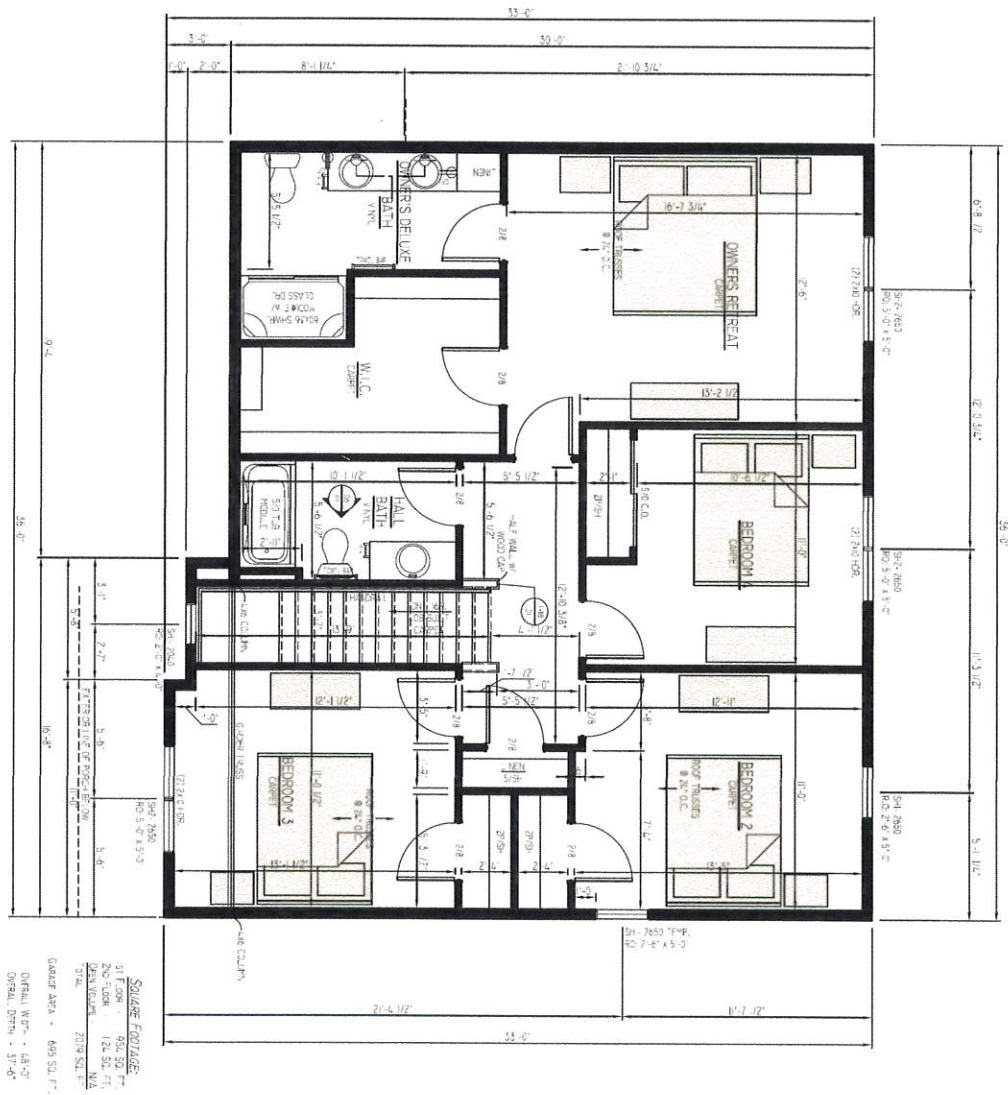
SCALE: 1/4" = 1'-0"

SQUARE FOOTAGE

51' FLOOR	975 SQ. FT.
2ND FLOOR	1175 SQ. FT.
3RD FLOOR	1175 SQ. FT.
TOTAL	2325 SQ. FT.

Overall Area: 695 SQ. FT.
 Overall Width: 48'-0"
 Overall Depth: 37'-0"





**CITY OF PEWAUKEE
ZONING BOARD OF APPEALS AGENDA ITEM 4.**

DATE: July 23, 2019

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

PUBLIC HEARING and possible Action Regarding the Petition of RFR Milwaukee, LLC for the Property Located at N16 W23120 Stone Ridge Drive (PWC 0956-999-015) for the following:

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

RFR Attachment

Application Deadline: _____

Meeting Date: _____

**Zoning Board of Appeals
Appeal and Application for Variance**

Pewaukee City Hall
W240N3065 Pewaukee Rd.
Pewaukee, WI 53072

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The appeal or application must be filed with the Building Services Department **30 days prior to the next Zoning Board of Appeals meeting and within 20 days of the Building Inspector's denial of permit**, accompanied by the filing fee of \$400.00 and a list of names of all owners of property within 600 feet from the exterior boundaries of the properties requesting the variance. ** Note: Applicant/Owner is also responsible for reimbursing the City for cost of publishing legal notices and other fees, including, but not limited to, attorney fees for reviewing the petition.

ALL APPEALS FOR VARIANCES MUST INCLUDE PLANS SHOWING THE VARIANCES BEING REQUESTED.

Site Address N16 W23120 Stone Ridge Drive

Parcel Tax Key No. PWC 0956.999.015

	Applicant (person to receive notices)	Property Owner
Name	Donald J. Murn, Esq. <u>Axley Brynerson, LLP (Attorney for Owner)</u>	<u>RFR Milwaukee, LLC</u>
Address	<u>N20 W22961 Watertown Road</u>	<u>1 Northfield Plaza, Suite 470</u>
City, Zip	<u>Waukesha, WI 53186</u>	<u>Northfield, IL 60093-1276</u>
Phone	<u>262-409-2277</u>	_____

TO THE ZONING BOARD OF APPEALS:

I hereby make an application for a variance from the side yard setback requirement of 45 feet
(appeal from the decision of the Zoning Inspector)

For the property located at the following address: N16 W23120 Stone Ridge Drive

Present use of premises single-tenant flex building (currently an audiovisual production company)

Briefly describe proposal see attached

If this is an appeal, attach the following:

- (1) Statement of principal points on which appeal is based
- (2) Plans showing the variances requested.
- (3) Plat of Survey, which shows where the building for the variance request would be built.

I hereby depose that the above statements contained in the papers submitted herewith are true and correct.

Date: 5/31/19

Applicant Signature: _____

Donald J. Murn, Esq., Axley Brynerson, LLP

< By signing this document you are giving the Zoning Board of Appeals members permission to view your property.>

ATTACHMENT TO APPLICATION FOR VARIANCE
RFR MILWAUKEE, LLC
PWC 0956.999.015

The Applicant/Owner seeks a variance from the side yard setback requirement of 45 feet for the northern lot line of the Property. The variance sought by the Applicant/Owner is an area variance and not a use variance.

The current building is located approximately 25 feet from the northern lot line of the Property. The building was constructed prior to the enactment of the current zoning code's 45-foot side yard setback requirement, and, therefore, the building is a legal, non-conforming structure.

The Applicant/Owner is seeking a variance from the 45-foot side yard setback requirement to a 25-foot setback for the entire northern lot line. This would allow the current building to become a legal, conforming structure and would allow the building to be expanded. The Applicant/Owner is not seeking to have any improvement closer than the current legal, nonconforming structure. A 25-foot utility easement exists between the northern lot line of the Property and the existing building.

For the reasons set forth below, compliance with the strict letter of the 45-foot side yard setback requirement along the northern lot line would unreasonably prevent the Applicant/Owner from using the Property for its permitted purpose and would render conformity unnecessarily burdensome. *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23, ¶ 33, 269 Wis. 2d 549, 676 N.W.2d 401; Wis. Stat. § 62.23(7)(e).

In addition, with regard to the Findings set forth in Sec. 17.1007 of the City's Zoning Code, for the following reasons, all of the required facts and conditions exist to grant the Applicant/Owner the requested variance.

A. Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted principle use, permitted accessory use, or permitted conditional use in that particular district.

The Property is zoned M-4 Industrial Park District, and the current, approved use of the Property is in conformance with the M-4 District. No variance is being sought for the use of the Property.

B. Exceptional Circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, and the granting of the variance should not be of so general or recurrent nature as to suggest that the Ordinance should be changed.

As stated above, the existing building currently on the Property is legally not in conformance with the current side yard setback requirement on the northern lot line. The

Applicant/Owner is not seeking to increase that current side yard setback; rather, it is asking that it be granted a variance so that it is able to expand the building.

A plat of survey is being submitted as part of this Application. Due to the lot size and shape and the location of the current building on the lot, no other practical place exists to expand the building other than to the west along the northern boundary of the Property. These circumstances are exceptional, extraordinary, and unusual and do not apply generally to other properties in the M-4 District. Furthermore, the granting of the variance to the Applicant/Owner is not so general in nature as to suggest that the zoning ordinance should be changed to adjust the side yard setback in the entire zoning district. This situation is unique and is appropriately addressed by the granting of the variance.

C. Economic or Financial Hardship and Self-Imposed Hardship Not Grounds for Variance. No variance shall be granted on the basis of economic/ financial gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

The situation which gives rise to the request for the variance is not self-imposed, as the side yard setback requirement of 45 feet was enacted by the City after the building was constructed, and the building, as it currently exists, is a legal, nonconforming structure. Due to the layout of the lot and the location of the current building, there is no reasonable location to expand the building except along the northern lot line of the Property.

D. Preservation of Property Rights. The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

The variance, if granted, does not affect other properties in the M-4 District. The variance is necessary to preserve the Applicant/Owner's property rights so that the building becomes a legal, conforming structure. In order for the Applicant/Owner to fully enjoy its property rights, the building should be able to be expanded, and a variance is needed to do so.

E. Absence of Detriment. No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

The granting of the variance will not create any detriment to the adjacent property to the north because it would continue the current 25-foot setback. To the contrary, denying the variance would be unnecessarily burdensome on the Applicant/Owner.

F. Additional Requirements in Floodplain District. No variance in or related to a floodplain* shall be granted where:...

The Property is not in a floodplain district.

PLAT OF SURVEY

(WITH PROPOSED IMPROVMENTS)

CLIENT

Axley Brynson, LLP

SITE ADDRESS

N16W23120 Stone Ridge Dr., City of Pewaukee, Waukesha County, Wisconsin.

LEGAL DESCRIPTION

Parcel 5 of Certified Survey Map No. 7871, being a part of the Southwest 1/4 and the Southeast 1/4 of the Northeast 1/4 of Section 23, Township 7 North, Range 19 East, in the Town of Pewaukee, Waukesha County, Wisconsin.

BASIS OF BEARINGS

-Bearings are referenced to the Wisconsin State Plane Coordinate System (South Zone), in which the South line of the NE 1/4 bears N88°41'48"E.
-Vertical Datum is based on NGVD - 29.
-Starting BM: Southwest corner of the NE 1/4 of Section 23. Elevation= 913.08 feet

FLOOD NOTE

According to the flood insurance rate map of the County of Waukesha, Community Panel No. 55133C0212G, effective date of November 5, 2014, this site falls in Zone X (Areas of minimal flood hazard).

LAND AREA

The Land Area of the subject property is 135,058 square feet or 3.1005 acres.

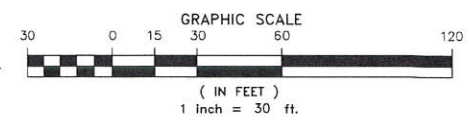
NOTE

-There were no wetlands delineated at time of survey.

VICINITY MAP



STARTING BENCHMARK: 913.08'
CONC. MONUMENT W. BRASS CAP, BEING THE
SOUTHWEST CORNER OF THE NORTHEAST 1/4
OF SECTION 23

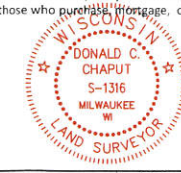


LEGEND

<ul style="list-style-type: none">● INDICATES FOUND 1" IRON PIPE○ INDICATES SET 1" IRON PIPE+ INDICATES FOUND CHISELED CROSS○ SANITARY MANHOLE+ SANITARY CLEANOUT OR VENT○ SEPTIC TANK ACCESS COVER○ M.I.S. MANHOLE○ UNKNOWN MANHOLE○ STORM MANHOLE○ INLET (ROUND)■ INLET (SQUARE)□ CURB INLET~ STORM SEWER END SECTION✕ GAS VALVE✕ GAS METER✕ WATER VALVE	<ul style="list-style-type: none">○ HYDRANT○ WATER MANHOLE○ WATER SERVICE CURB STOP✕ WELL HEAD○ STAND PIPE○ WALL INDICATOR VALVE✕ POST INDICATOR VALVE✕ LIGHT POLE✕ SPOT/YARD LIGHT✕ UTILITY POLE✕ GUY POLE✕ GUY WIRE○ ELECTRIC MANHOLE□ ELECTRIC PEDESTAL○ ELECTRIC METER○ TELEPHONE MANHOLE	<ul style="list-style-type: none">□ TELEPHONE PEDESTAL□ CABLE PEDESTAL□ CONTROL BOX✕ FIBER OPTIC SIGN✕ TRAFFIC LIGHT○ COMMUNICATION MANHOLE○ BOLLARD✕ SOIL BORING/MONITORING WELL✕ WATER SURFACE✕ FLAGPOLE✕ PARKING METER✕ SIGN✕ MAILBOX✕ RAILROAD CROSSING SIGNAL	<ul style="list-style-type: none">△ HANDICAP SPACE★ CONIFEROUS TREE● DECIDUOUS TREE--- SANITARY SEWER--- STORM SEWER--- WATERLINE--- MARKED GAS MAIN--- MARKED ELECTRIC--- OVERHEAD WIRES--- MARKED TELEPHONE--- MARKED CABLE TV LINE--- MARKED FIBER OPTIC--- BURIED ELECTRIC SERVICE--- BOARD FENCE--- CHAIN LINK FENCE--- WIRE FENCE
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I certify that I have surveyed the above described property (Property), and the above map is correct to the best of my professional knowledge and belief and shows the size and location of the Property, its exterior boundaries, the location and dimensions of all visible structures thereon, boundary fences, apparent easements and roadways and visible encroachments, if any. This survey is made for the exclusive use of the present owners of the Property, and also those who purchase hereafter, or guarantee the title thereto, within one (1) year from date hereof.

Date: April 25, 2019



Donald C. Chaput
Professional Land Surveyor
Registration Number S-1316

CHAPUT
LAND SURVEYS

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Date	Revision description

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Drawing No. 3197-dmb